

MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY  
WATER RESOURCES DIVISION  
FISCAL YEAR 2022 SECTIONS 106 AND 319 GRANT WORK PLAN  
October 11, 2021

Sections 106 and 319 of the federal Clean Water Act (CWA) provides grant funds to states to assist them in administering programs for the prevention, reduction, and elimination of pollution. The Michigan Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division (WRD), works to protect and enhance the state's water quality under the authority of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), and associated rules.

Activities funded by the program grant are consistent with the current United States Environmental Protection Agency's (USEPA) Strategic Targets and Program Activity Measures, and progress will be reported against all applicable measures. **Please note that this work plan is submitted based on EGLE's understanding that the Sections 106 and 319 grants will be at least as much as was awarded in fiscal year (FY) 2021. If the federal budget process upon resolution awards less funds, then the commitments offered in this work plan will need to be reduced and resubmitted.**

To carry out the protection and enhancement of the state's waters, the WRD administers a number of programs and activities that range from preventive to remedial and from voluntary to regulatory. The following programs and activities are eligible under and supported by the federal Section 106 grant. **Of special note in FY 2022, the WRD will be continuing to devote significant time addressing per- and polyfluoroalkyl substances (PFAS) issues as they are discovered. This involves significant WRD staff (about 12 FTEs) that are conducting stream sampling (water quality and fish), conducting point source monitoring, implementing our [ HYPERLINK "[https://www.michigan.gov/documents/egle/wrd-pfas-npdes-permitting-strategy\\_669197\\_7.pdf](\"https://www.michigan.gov/documents/egle/wrd-pfas-npdes-permitting-strategy_669197_7.pdf\")" ] to address indirect dischargers, implementing our permitting strategies, evaluating the current state of treatment, implementing our [ HYPERLINK "[https://www.michigan.gov/documents/egle/wrd-PFAS-Biosolids-Strategy\\_720326\\_7.pdf](\"https://www.michigan.gov/documents/egle/wrd-PFAS-Biosolids-Strategy_720326_7.pdf\")" ], and addressing compliance/enforcement issues. Please note that an Emerging Pollutants Section has been created in WRD to help address issues related to PFAS. The WRD will continue to keep the USEPA informed on how Michigan is addressing PFAS, as this might affect achieving the objectives discussed in this workplan. In addition, the WRD continues to request that the USEPA determine the appropriate biosolids standard for PFAS based on health concerns. To that end WRD staff have had several discussions regarding how EGLE may be able to assist in that effort.**

High water issues have gradually diminished in severity over the past year, but storm intensity and precipitation volume has continued. SSOs, WWTP bypassing, high infiltration/inflow, CSO treatment and other concerns due to high water have been exacerbated. These will be addressed within our existing programs.

## Management and Administration

### National Pollutant Discharge Elimination System (NPDES) and Storm Water Permits Program

- Permit Issuance
- Compliance
- Enforcement
- Monitoring
- Management of Water Quality and Program Data
- Water Quality Standards (WQS)
- Nonpoint sources (NPS)

### Surface Water Restoration and Protection Program

- Section 401/Rule 97 Certification
- Develop and Implement Total Maximum Daily Loads (TMDL)
- Monitoring

Michigan's 2019 Nonpoint Source Program Plan identifies activities eligible for funding by the federal Section 319 grant.

Following are descriptions of the activities carried out with funding from the Section 106 or Section 319 grant and the objectives to be achieved in FY 2022. Funding sources for these programs and activities, which may be used to match federal Section 106 or Section 319 grant funds, include: State General Fund/General Purpose Funds, State Clean Michigan Initiative Funds, NPDES Fees, and Storm Water Fees.

<b>ACTIVITIES</b>
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#### **ACTIVITY 1: Management and Administration**

APPLICABLE PROGRAMS: Management and Administration

ACTIVITY DESCRIPTION: Many general activities are necessary to assure the program is implemented efficiently and in a manner that protects Michigan's surface water and groundwater resources. Examples of tasks included under this activity are:

- Oversee the day-to-day operations of the program.
- Manage program staff.
- Coordinate with outside agencies.
- Review and provide input on legislation that will affect the program.
- Assure consistency in program implementation.
- Report on program status and accomplishments.
- Manage the budget.
- Administratively support the program, including handling correspondence, filing, and phone calls.

- Respond to requests for program information.
- Develop grant applications, monitoring expenditures, and provide proper controls for expenditure of federal and match funds.
- Respond to freedom of information requests.
- Ensure accurate communication of compliance data to (Integrated Compliance Information System) ICIS-NPDES.

OBJECTIVES: Assure that program responsibilities are carried out effectively and efficiently to protect public health and the environment. Provide public access to reliable and accurate state permitting and compliance data and performance metrics to foster transparency, improve oversight and enhance public participation.

## **ACTIVITY 2: Permit Issuance**

APPLICABLE PROGRAMS: NPDES and Storm Water Permits

ACTIVITY DESCRIPTION: New and reissued wastewater discharge permits are needed for various reasons, including new business ventures and groundwater cleanup efforts. Timely permit action is needed to avoid delays in these activities and meet statutory deadlines. Applications are reviewed for accuracy and completeness in Lansing. Permit writers in the WRD's Permits Section receive comments from WRD district staff regarding applications and compliance status. The staff responsible for developing water quality-based effluent limits (WQBEL) is also within the Permits Section. Permit writers must also consider federal regulations, including treatment technology-based effluent limits. During permit development, the permit writers are constantly in contact with the applicant and other interested parties.

Permits are issued for a maximum of five years. As their permit expiration date approaches, permittees must reapply to receive authorization to continue their discharges. This allows permits to be updated to include new conditions at the facility and new regulations if applicable. Expirations for individual NPDES permits occur according to a watershed approach. Watersheds in the state have been divided into five basin years, and permits within one of the five basin years will expire and need to be reissued in a common year. This allows the WRD to evaluate the cumulative impacts of the discharges on water quality in the watershed.

Michigan has implemented an extensive General Permit (GP) Program that recognizes the similarity of classes of dischargers and establishes common regulatory conditions for them in a GP. This one permit can be used to authorize discharges from numerous facilities falling into the category if the specific discharger meets criteria upon which the GP is based. Michigan's GPs include categories such as industrial storm water, noncontact cooling water, hydrostatic pressure test water, municipal wastewater lagoons, groundwater cleanup using standard treatment, concentrated animal feeding operations (CAFO) and wastewater from potable water supply. A certificate of coverage (COC) is issued to a facility authorizing its individual discharge.

Efforts to clean up contaminated groundwater under the Superfund Program (administered by EGLE's Remediation and Redevelopment Division) frequently result in the need to discharge treated groundwater to nearby surface waters. Michigan has

previously protected surface water at Superfund sites through the issuance of NPDES permits. However, because of the permit waiver for on-site remediation in the federal statute, Michigan has subsequently adopted a procedure for the issuance of a substantive requirements document (SRD) that provides the necessary enforceable surface water protection requirements for on-site cleanups.

The NPDES and Storm Water Permits Programs are funded by fees collected from the dischargers and some state general funds. The Section 106 grant may provide an additional revenue source should insufficient fees be collected to carry out the requirements of the programs.

#### OBJECTIVES:

1. Process new use applications in a timely manner and maintain a zero backlog of new use applications.
  - a. Reissue all individual NPDES permits in the FY 2022 basin year except for those delayed due to noncompliance, contested case hearings, or other irresolvable issues. A list of permits is provided in Attachment A. The list below only includes permits previously identified for USEPA review that were not fully developed and issued in FYs 2018 through FY 2021 . Along with a focused effort on basin year 2022 permits, WRD intends to continue to address the permits below in FY 2022. It should be noted that minimal efforts were spent on facilities that were in basin years other than fiscal year 2021. The AK Steel and US Steel facilities remain idled; therefore, work efforts will continue to focus on other permits until the facilities determine if/when production will resume.

<b>FY/Rollover</b>	<b>NPDES Permit #</b>	<b>Name</b>	<b>Type</b>	<b>Permit Status</b>
FY 2021	MI0057679	Allendale Charter Township	MUNI	Draft permit with facility for review
FY 2021	MI0054771	Darling Ingredients Inc	IND	Prepped for Public Notice
FY 2021	MI0003824	Otsego Paper Inc	IND	Responding to Pre-Public Notice (PPN) comments 8/19/21
FY 2021	MI0025577	City of Saginaw	MUNI	Responding to permittee's PPN comments
FY 2021	MI0024058	City of Sault Ste. Marie	MUNI	On PN until 9/23/2021
FY 2021	MI0023647	City of Mount Clemens	MUNI	Issued 6/25/2021

FY 2021	MI0023515	City of Manistique	MUNI	Issued 7/30/2021
FY 2021	MI0021334	City of Ludington	MUNI	Issued 7/28/2021
FY 2021	MI004154	Martin Marietta Magnesia Specialties, LLC	IND	Permit being drafted
FY 2021	MI001503	Morton Salt, Inc.	IND	Permit being drafter
FY 2020	MI0001864	Consumers Energy Company (CECO-J R Whiting Power Plt)	IND	Closed 10/16/2019
FY 2020	MI0002836	Federal Mogul Corporation (Greenville)	IND	ssued 10/30/2020
FY 2020	MI0020311	City of Lowell WWTP	MUNI	Issued 9/28/2020
FY 2020	MI0020397	City of Greenville WWTP	MUNI	On enforcement hold; pre- public notice permit nearly complete
FY 2020	MI0020460	City of Lapeer WWTP	MUNI	Issued 9/28/2020
FY 2020	MI0020851	City of Belding WWTP	MUNI	Enforcement hold
FY 2020	MI0020125	Gogebic-Iron WW Authority WWTP	MUNI	Issued 7/02/2020
FY 2020	MI0023680	City of New Baltimore WWTP	MUNI	Issued 5/29/2020
FY 2020	MI0028401	City of Monroe (Monroe Metro WWTP)	MUNI	Discussing phosphorus limitations with USEPA
FY 2020	MI0058649	Eagle Mine, LLC - Humboldt Mill	IND	Responding to second round of PPN comments 8/16/21
FY 2020	MI0035769	MDNR-Platte River Hatchery	IND	Issued 10//27/2020
Rollover from FY 2019	MI0001848	DTE Energy (DECO- Monroe Plt)	IND	Draft permit with facility for review
Rollover from FY 2019	MI0000027	Escanaba Paper Company, New Page Pulp and Paper Mill	IND	FY 2022 permit

Rollover from FY 2019	MI0000540	BASF Corporation (BASF Wyandotte)	IND	Incorporating 316(b) language
Rollover from FY 2019	MI0001457	Entergy Services Incorporated, Palisades Nuclear Plant	IND	Facility to decommission spring 2022
Rollover	MI0023256	City of Jackson WWTP	MUNI	Issued 1/29/2020
Rollover	MI0023400	City of Lansing WWTP	MUNI	Issued 1/30/2020
Rollover (FY 2017 USEPA Review list)	MI0000175	Mead Johnson Nutrition	IND	FY 2022 permit
Rollover (FY 2017/FY 2018 USEPA Review list)	MI0043524	AK Steel-Dearborn Works	IND	Facility idle
Rollover (FY 2017 USEPA Review list)	MI0002313	US Steel-GL-Ecorse	IND	Facility idle
Rollover (FY 2017 USEPA Review list)	MI0022926	Flint WWTP	MUNI	Addressing comments from permittee

The WRD believes that the most important interaction between the USEPA, Region 5, and the WRD regarding permit reissuance is real-time review and support on controversial issues such as the elimination of blending at Michigan wastewater treatment plants (WWTP). WRD continues to appreciate support regarding the ability to prescribe requirements more restrictive than federal regulations in order to meet state WQS and fully protect water resources in Michigan. Further, as historically discussed, we will be providing a draft permit for the Flint WWTP. WRD has spent considerable time working with the facility to prioritize significant upgrades necessary to address a deteriorating collection system and other deficiencies at the WWTP. Due to the financial condition of the city, it is anticipated that the correction schedule will span multiple permit cycles. WRD is in the fourth iteration of the draft permit and is expecting final comments from Flint in summer 2021. WRD anticipates being able to share the draft permit and documents with USEPA in the near future.

- b. The WRD continues to address the permit backlog in the program by implementing the plan from fiscal year 2020. In summary, beginning in fiscal year 2020, WRD implemented a watershed approach to address the backlog by September 30, 2024. The concept involves reissuing all permits in a

particular basin year in the same year. For example, during basin year 2020, permit writers focused on permits currently up for reissuance and backlogged permits from this basin year (e.g., basin year 2015 and basin year 2010) during the year. In basin year 2021, permit writers will process on basin year 2021 permits and backlogged permits from that basin year (e.g., basin year 2016 and basin year 2011). Through this process, if all reissuances are issued during the basin year and all backlogged permits from that basin year are reissued, this will result in approximately a 20 percent reduction in the backlog each year. It should be noted that this plan only addresses NPDES permit reissuance. It does not take into consideration statutory deadlines to issue new use permits and certificates of coverage, major permit modifications, other WRD priorities, and the implementation of several new initiatives that will require additional negotiations with permittees in upcoming fiscal years. Those initiatives include the inclusion of permit requirements for the implementation of water quality standards for chlorides and sulfates beginning October 1, 2020, implementation of more restrictive ammonia criteria beginning in fiscal year 2022 and potential perfluorooctane sulfonate (PFOS) and perfluorooctanoic acid (PFOA) limitations in municipal permits beginning in fiscal year 2022. Permits Section has also struggled to keep all permit writing positions filled as younger staff continue to move around within WRD and/or leave state service.

2. Issue COCs under GPs, and all COCs for the GPs issued effectively for FY 2021.
3. Reissue COCs for general industrial storm water permits issued in FY 2021.
4. Reissue GPs for industrial storm water (cycle year 2). All draft GPs will be submitted to the USEPA for review.
5. Review construction Notices of Coverage for adequacy and completeness.
6. Process NPDES permits or SRDs in a timely manner for proposed Superfund wastewater discharge sites.
7. Coordinate and provide technical support for contested case hearings, including the recently challenged CAFO GP. This effort has required a substantial amount of time and preparation from CAFO staff and the Permits Section Manager. The contested case hearing will begin in December 2021.
8. Complete development of WQBELs for FY 2022 permits by May 2022 or earlier and initiate WQBEL development for FY 2023 permits, including whole effluent toxicity requirements.
9. Continue to work on developing nutrient criteria consistent with Michigan's mutually agreed upon Nutrient Criteria Development Plan, including timely notification to the USEPA of any changes to the plan, or Part 31, Water Resources Protection, of the NREPA, that EGLE is proposing.
10. Implement activities in response to the Wet Weather Pollution in Michigan report issued by the WRD in June 2010 and continue implementation of green

infrastructure (GI), and other areas addressing climate change. The next steps will include activities in the following key areas:

- (1) Continue to reduce wet weather discharges using GI. Use of GI is applicable to combined sewer overflow (CSO) control programs in conjunction with gray infrastructure projects (e.g., Detroit's CSO control program). Benefits include the reduction of *E. coli* concentrations in surface waters and continued progress in addressing flow quantity concerns in urban streams. Recognizing the role of GI implementation in the reduction of flow quantity related to storm water (e.g., Municipal Separate Storm Sewer System [MS4] Program); the WRD has also aligned the wet weather program requirements (e.g. CSOs, sanitary sewer overflows (SSO) and MS4s) in NPDES permits. After nearly three decades of CSO control, the WRD has updated the 1994 CSO Control Manual to set consistent expectations in the wet weather programs; most notably recognizing MS4 post-construction program requirements in certain combined sewer areas. The WRD also addressed program consistency between CSO and SSO requirements.
  - (2) Wet weather monitoring for discharges under NPDES permits.
  - (3) WRD is now addressing climate change. All wet weather programs (SSO correction, CSO correction, CAFO storage, MS4 program, etc.) use NOAA Atlas 14 for the most up-to-date database. This will help account for increased precipitation events. Additional actions might be taken, including an increase in storage or other capacity items to start addressing future flow concerns. Other actions are described in Activity 3 that address redundancy.
11. Continue placing asset management requirements in minor municipal NPDES permits. WRD began adding asset management requirements into minor municipal NPDES permits that are significant (over 0.5 million gallons per day), and also permits that have had documented issues related to poor asset management on October 1, 2019. This process will continue in 2022.
  12. Continue to develop a GP for municipalities that have sanitary sewer collection systems tributary to another entity's wastewater treatment plant. We plan to issue this new GP in spring 2022. These satellite communities are not currently covered under NPDES permits. These permits will be for municipalities and will contain proper operation requirements, Capacity, Management, Operations, and Maintenance (CMOM) Program requirements, asset management requirements, inspection requirements, financial responsibility requirements, and prohibit SSOs. The WRD is currently working in a stakeholder group and will be discussing how to best implement this new GP once it is issued. The last stakeholder draft was sent out October 6, 2021.
  13. No triennial review actions were planned or conducted during FY 2019. The 2018-2020 WQS triennial review process will be initiated during FY 2020 with anticipated completion and submittal to the USEPA in early FY 2021.
  14. Continue to increase the percentage of all permits (major and minor) and COCs that are current and effective (except those that cannot be reissued due to

noncompliance or other irresolvable issues) to 90 percent consistent with the permit backlog reduction effort.

15. Continue to work to reduce the backlog of major NPDES permits to the USEPA supported goal of less than 10 percent, in accordance with the backlog reduction plan previously discussed.

### **ACTIVITY 3: Compliance**

APPLICABLE PROGRAMS: NPDES Regulated Facilities

ACTIVITY DESCRIPTION: District staff monitor compliance of NPDES regulated facilities using a variety of mechanisms (inspections, citizen's calls, database queries, permit submittal reviews, etc.). For facilities found to be in noncompliance with laws, rules, permits, or orders, follow-up compliance or enforcement actions may be taken. In accordance with EGLE's policy, a progressive enforcement procedure is generally followed including verbal notice, compliance communications, or violation notices, with the potential to escalate through referrals to the Michigan Department of Attorney General (MDAG) for judicial action in order to achieve compliance by the permittee in an efficient and timely manner. Referrals to the Michigan Department of Natural Resources' Law Enforcement Division are made when criminal wrongdoing is suspected.

In addition to the NPDES Compliance Monitoring Program described above, staff also:

- Respond to reports of spills and complaints related to pollutant discharges that are received either directly by district staff or through EGLE's 24-hour Pollution Emergency Alerting System.
- Monitor reports of discharges of CSOs and SSOs, including posting these events on our Web site and taking compliance actions as appropriate.
- Issue construction permits for municipal wastewater conveyance or treatment facilities. These permits ensure that these systems are consistent with state construction standards and wastewater discharge permits. In addition to assuring appropriate levels of treatment are provided so that NPDES permit limits can be complied with, these construction permits are often needed to correct untreated CSOs and SSOs. EGLE relies, in part, on the oversight of the Wastewater Construction Program to ensure compliance with NPDES discharge permits.
- Provide operator certification and training to industrial, commercial, and municipal wastewater dischargers. A core component of environmental and public health protection is that industrial and municipal wastewater treatment facilities be operated and maintained properly, relying on adequate training and certification of the individuals operating these systems. In Michigan, all industrial, commercial, and municipal discharge permits (except for the Concentrated Animal Feeding Operation [CAFO] and MS4 Programs) require certified operators.

#### OBJECTIVES:

1. Track day-to-day facility compliance using Michigan's MiWaters database that was implemented on August 17, 2015. EGLE continues expending significant staff

resources to improve the functionality of MiWaters for internal and external users. EGLE has maintained regular contact with Region 5 staff regarding progress and challenges concerning data flow and targeted enhancements to MiWaters to resolve data flow issues. A great deal of progress has been made with enhancements to MiWaters that improve functionality for staff and improve data management. USEPA Region 5 staff conducted Michigan's State Review Framework remotely in 2019 using MiWaters and roundly praised the system.

2. Review of discharge monitoring reports (DMR), permit-required submittals, and other required permittee actions and reports to determine permit compliance.
3. Conduct inspections to assure compliance with state and federal laws, rules, and regulations. Inspect targeted dischargers according to Michigan's Compliance Monitoring Strategy (CMS) (see Attachment B). The FY 2021 CMS was previously approved by Michael Harris, USEPA, in a letter dated December 28, 2020, for FY 2021 compliance work. EGLE WRD proposes to again follow a traditional CMS as described in the USEPA NPDES CMS Memorandum dated July 21, 2014. EGLE's CMS includes minor modifications that enhance EGLE's ability to provide sufficient compliance monitoring across all program areas. It is understood that additional inspections may be conducted by the USEPA, Region 5. Inspection progress will be provided to the USEPA in the mid-year CMS report.
4. Perform inspections at USEPA majors and Federal Industrial Pretreatment Programs (FIPP). In FY 2022, Michigan will conduct 70 high level inspections at majors (about 43 percent) and 19 high level inspections (audits and Permit Compliance Inspections) at FIPPs (about 56 percent). The list of targeted major inspections and targeted FIPP inspections is attached (see Attachment C). The staff move to teleworking due to the COVID-19 pandemic continues to have an impact on in-person, high-level inspection rates. In addition, EGLE inspection commitments will continue to be impacted due to high staff time demands associated with Michigan's PFAS Response Activities.
5. Perform other inspections at major facilities, minor facilities, federal and state Industrial Pretreatment Program facilities, biosolids generating facilities, CSO facilities, industrial storm water facilities, construction storm water sites, soil erosion and sedimentation control agencies, and CAFOS in accordance with Michigan's CMS (see above, all inspection categories may be impacted due to COVID-19 and PFAS response). A particular emphasis will be placed on CSO infrastructure and wastewater infrastructure affected by increasing storm intensity and frequency. This effort will include increased scrutiny of firm pumping capacity, electrical service redundancy and operation and maintenance of CSO treatment and transport facilities. WRD is participating in several efforts with state and local partners targeting basement backups and flooding due to severe precipitation events.
6. Address emerging pollutants through WRD's Emerging Pollutant Section. As mentioned, EGLE, WRD, anticipates continued impacts to core program commitments through at least FY 2022 and perhaps beyond due to PFAS, though many of our processes are becoming incorporated into normal compliance activities. **The Emerging Pollutant Section is now fully staffed** leading to more

PFAS generated compliance activities for staff in the wastewater, biosolids and storm water programs. Wastewater and Storm Water staff will be impacted as the PFAS strategy now includes direct dischargers and implementation of the [ [HYPERLINK "https://www.michigan.gov/documents/egle/wrd-PFAS-Biosolids-Strategy\\_720326\\_7.pdf"](https://www.michigan.gov/documents/egle/wrd-PFAS-Biosolids-Strategy_720326_7.pdf) ] Those activities are still consistent with key program goals, but may not be reflected in the inspection numbers reported in the CMS. Documents related to WRD's PFAS compliance strategies can be found on our Web site and many have already been shared with USEPA, Region 5, and Region 5 state compliance programs.

7. Issue compliance communications or violation notices, where appropriate, to facilities found to be in noncompliance with permit requirements, state laws, or administrative rules.
8. The number and percent of major facilities in significant noncompliance (SNC) with NPDES permits will be tracked through the USEPA's Integrated Compliance Information System (ICIS). Quarterly Watch List updates will be provided by the USEPA for review and response by the WRD. USEPA, Region 5 staff and WRD have regular communication including quarterly calls. SNC and the USEPA National Compliance Initiative to reduce SNC to under 15 percent by the end of FY 2022 are a regular focus for EGLE/USEPA discussions. WRD staff will continue to take appropriate compliance and enforcement actions in a timely manner to assure that the SNC rate for majors and minors (with individual permits) meets those goals. EGLE's efforts have been successful to date, as evidenced by the NPDES SNC Dashboard for FY 2021, Quarter 2 which was at 5.6 percent. While FY 2021 Quarter 3 unofficial results reports a 15.8% SNC rate, this is reflective of known data flow issue associated with DMRs and schedules of compliance. Michigan's ongoing efforts to improve data flow as discussed in Objective No. 1 above. DMR data for permits that have been reissued since August 2015, when MiWaters came online, should be flowing to ICIS. EGLE, WRD, and USEPA, Region 5 staff review the respective databases to evaluate facilities that are having significant non-compliance and EGLE investigates and acts on those identified by either agency.
9. Michigan is taking steps to assure timely transfer of all appropriate inspection and enforcement action data from the state's database (MiWaters) to the federal database (ICIS). WRD has made recent upgrades to our data systems to improve the data flow. This is a continuing area of dialogue between Region 5 staff and WRD staff with a focus on resolving obstacles to data flow from both Enforcement and Compliance History Online (ECHO)/ICIS and MiWaters.
10. Issue Part 41 construction permits (Part 41, Sewerage Systems, of the NREPA) consistent with Part 31 discharge permits.
11. Maintain spill response records (MiWaters) and conduct follow-up inspections when appropriate.
12. Maintain a Web site to advise the public of CSO and SSO discharges as they occur.

13. Provide operator certification exams and training to industrial, commercial, and municipal wastewater dischargers.
14. The USEPA and EGLE agree to work together on specific issues identified in the annual joint work plan.
15. Report applicable pretreatment numbers to the USEPA twice per year; in March and October.

#### **ACTIVITY 4: Enforcement**

APPLICABLE PROGRAMS: NPDES and Storm Water Permits

ACTIVITY DESCRIPTION: Enforcement actions in water pollution control programs cover a broad spectrum of actions ranging from informal verbal directives and notice letters to formal enforcement actions up to and including litigation. The origin of all escalated enforcement actions begin with WRD district office compliance activities and initial enforcement actions. District staff is responsible for all compliance activities, and also initial enforcement actions when noncompliance is detected. When the noncompliance continues or significantly threatens the environment or public health and safety, district staff may escalate enforcement by referring the case to the WRD's Enforcement Unit or initiating a district escalated enforcement case in accordance with WRD guidelines. Enforcement actions handled by the Enforcement Unit include issuance of formal Enforcement Notices, Director's Final Orders, development of Administrative or Judicial Consent Orders, the referral of cases to the MDAG for the filing of civil litigation and the referral of cases to the Michigan Department of Natural Resources' Law Enforcement Division for the pursuit of criminal prosecution. The following elements are included in this activity:

- Oversee all of the WRD's NPDES and storm water escalated enforcement actions taken under the NREPA.
- Evaluate referrals from district supervisors for potential escalated enforcement action.
- Draft, review, edit, and issue Enforcement Notices, Director's Final Orders, Administrative Consent Orders, and assist the MDAG with the drafting of consent judgments as appropriate on a case-by-case basis.
- Develop cases for formal litigation of civil violations and for criminal charges.
- Provide support to the MDAG to assure successful prosecution of statutory violations.
- Recover agency costs, recover the value of natural resource damages, and collect civil fines and penalties for violations of permits, statutes, and rules.
- Coordinate NPDES enforcement actions with the USEPA and the United States Department of Justice, as necessary.
- Use MiWaters to track and maintain escalated enforcement action data.
- Monitor compliance with Administrative Consent Orders and court judgments.
- Update, as needed, the WRD's Compliance and Enforcement Management System manual.

- Develop enforcement priorities in cooperation with WRD district staff and management.
- Develop enforcement initiatives for priority areas.
- Assure that escalated enforcement action data is provided to the USEPA for entry into ICIS until electronic data transfer is in place.
- Conduct joint enforcement planning consistent with Susan Parker Bodine's July 11, 2019, Memorandum *Enhancing Effective Partnerships Between the EPA and the States in Civil Enforcement and Compliance Assurance Work*.

#### OBJECTIVES:

1. Evaluate all cases referred for formal escalated enforcement and prioritize for action.
2. Refer appropriate cases to the MDAG for civil litigation and assist in the referral of cases to the Michigan Department of Natural Resources' Law Enforcement Division for the pursuit of criminal prosecution.
3. Issue Director's Final Orders for the abatement of water pollution, where necessary.
4. Assure that the assessment of civil penalties, payment for natural resource damages, and the payment of agency costs are an effective deterrent to continuing pollution and consistent with current civil penalty policies.
5. Include Supplemental Environmental Projects in settlements according to policies established by EGLE, where appropriate.

#### **ACTIVITY 5: Monitoring and Assessment**

Applicable Programs: NPDES and Storm Water Permits, NPS, and Surface Water Restoration and Protection

Activity Description: Comprehensive water quality monitoring is necessary to improve natural resource management, maintain sustainable ecosystems, protect public health, and support a healthy economy in Michigan. Water quality monitoring is performed to satisfy four primary goals:

- Assess the current status and condition of individual waters of the state and determine whether standards are met.
- Measure temporal/spatial trends in the quality of Michigan's surface waters.
- Provide data to support EGLE's water quality protection programs and evaluate their effectiveness.
- Detect new and emerging water quality problems.

All monitoring and analyses of surface waters will be conducted in accordance with an approved Quality Assurance Management Plan or a Quality Assurance Project Plan.

#### OBJECTIVES:

1. Perform biological surveys to support and evaluate the effectiveness of EGLE's water quality protection programs, assist with TMDL development, support the Sections 305(b) and 303(d) reporting process, and assess water quality trends. Biological surveys will be conducted in Wadeable and nonwadeable river segments located primarily in monitoring year 3 watersheds ([ [HYPERLINK "https://www.michigan.gov/egle/0,9429,7-135-3313\\_3681\\_3686\\_3728-35720--,00.html"](https://www.michigan.gov/egle/0,9429,7-135-3313_3681_3686_3728-35720--,00.html) ], select "Basin Year 4") although additional water bodies may be monitored to address site-specific targeted monitoring priorities. Michigan will conduct biosurveys at up to 200 sites, including targeted, trend, and randomly selected sites. A list of the water bodies where biological surveys will be conducted in FY 2022 will not be available until winter of 2022 and will be provided to the USEPA when finalized. Study plans and staff reports are developed for watersheds where biological surveys are conducted. Biological survey study plans, and copies of biological survey staff reports completed during FY 2022 will be provided to the USEPA upon request.
2. Conduct chemical and physical water quality analyses to support and evaluate the effectiveness of EGLE's water quality protection programs, assist with TMDL development, support the Sections 305(b) and 303(d) reporting process, assess water quality trends, and assess emerging contaminants, as appropriate. These analyses are most frequently conducted by staff at targeted sites in response to specific program needs. The number of studies to be conducted and the list of water bodies will not be available until a review of monitoring priorities is conducted during the winter of 2021-2022 and will be provided to the USEPA when finalized. Study plans are developed for all water bodies where the studies are conducted. Results of the studies are presented in specific staff reports or in other program reports (i.e., TMDLs) as appropriate. Study plans and reports completed during FY 2022 will be provided to the USEPA upon request. A list of available staff reports is posted on EGLE's Web site.
3. Coordinate and implement the Fish Contaminant Monitoring Program. Fish contaminant monitoring is conducted to support and evaluate the effectiveness of EGLE's water quality protection and restoration programs, support the Michigan Department of Health and Human Services' fish contaminant advisory setting process, assist with TMDL development, support the Sections 305(b) and 303(d) reporting process, assess water quality trends, and assess emerging contaminants, as appropriate. An estimated 45 water bodies will be sampled in FY 2022. The FY 2022 fish contaminant monitoring site list will be provided to the USEPA when finalized. A copy of the fish contaminant monitoring annual report will be provided to the USEPA.
4. Serve as project administrators for - water quality monitoring contracts and grants supported with state funds.
5. Continue coordination between water monitoring and NPS Programs and implement portions of the [ [HYPERLINK "https://www.michigan.gov/documents/deq/wrd-nps-monitoring-strategy\\_554895\\_7.pdf"](https://www.michigan.gov/documents/deq/wrd-nps-monitoring-strategy_554895_7.pdf) ]. (See also Activity 9, Objective 5.)
6. Coordinate the implementation of the [ [HYPERLINK "https://www.michigan.gov/documents/deq/wrd-swas-strategy-](https://www.michigan.gov/documents/deq/wrd-swas-strategy-)

2017\_556101\_7.pdf" ] based on WRD priorities and as resources allow.

7. Participate on the USEPA, Region 5, Monitoring Newsletter and regional monitoring Webinars as resources allow.
8. Continue to develop a nutrient reduction framework for Michigan pursuant to guidance provided by USEPA memos. These include one from Nancy K. Stoner, USEPA Headquarters, in her March 16, 2011, memo to Regional Administrators, Regions 1-10, regarding "Working in Partnership with States to Address Phosphorus and Nitrogen Pollution Through Use of a Framework for State Nutrient Reductions"; and a September 22, 2016, memo from Joel Beauvais, USEPA Headquarters, to states regarding "Renewed Call to Action to Reduce Nutrient Pollution and Support for Incremental Actions to Protect Water Quality and Public Health." The framework is posted on the WRD's Web page and is intended to be a "work in progress." That is, the framework will not be a conventional hard copy document; rather, it will be updated with additional details, Web links, and new information as they become available.
9. Participate on the Monitoring Assessment Partnership calls and work groups as resources allow.

#### **ACTIVITY 6: Management of Water Quality and Program Data**

Applicable Programs: NPDES and Storm Water Permits, and Surface Water Restoration and Protection

Activity Description: The USEPA maintains a computer database (ICIS) in which states enter information about NPDES permits and their requirements. Michigan started using ICIS in August 2010. Michigan's new database, MiWaters, is used as its primary means of managing permit and compliance/enforcement data. Permit and compliance/enforcement related data is transferred to ICIS through the Central Data Exchange (CDX) network. In addition, most permitted dischargers are required by their permits to report on the quality and quantity of their discharges on a monthly basis on their DMRs. These DMRs are submitted electronically to the state, and subsequently transferred to ICIS also through the CDX network. The goal to capture at least 95 percent of all Water Enforcement National Database data elements (priority information relating to individual dischargers) in ICIS, will enable the USEPA to generate a useful, accurate Quarterly Noncompliance Report/Watch List.

The WRD has developed major components of our new automated permitting system, MiWaters, which incorporates the following integrated electronic functions so permit data will not be needed to be entered by hand:

- Logging and tracking of applications.
- Permit writing and capture of permit limitations.
- Inspection planning and tracking.
- Compliance follow up (action and tracking).
- Violation tracking.
- Communication with supporting units.

- Updating of ICIS-NPDES data.

The MiWaters system replaced NMS on August 17, 2015. There are many enhancements over the NMS database. Of primary importance is the ability to accept all required applications and permit submittals electronically (including the annual reports required by many programs). EGLE has been following the USEPA's proposed e-reporting rule development.

EGLE and its contractors maintain in-house databases for water quality data collected pursuant to [ [HYPERLINK "https://www.michigan.gov/documents/deq/wrd-swas-strategy-2017\\_556101\\_7.pdf"](https://www.michigan.gov/documents/deq/wrd-swas-strategy-2017_556101_7.pdf) ] and uploads appropriate data into the USEPA's STOrage and RETreival (STORET) database. EGLE, in cooperation with the Michigan Department of Technology, Management and Budget, also maintains a map-based data access Internet site (the Michigan Surface Water Information Management [MiSWIM] System), which brings together multiple databases to display data in a map format with query capability.

#### OBJECTIVES:

1. Enter permit-related data.
2. Maintain in-house water quality monitoring databases, including those for water and sediment chemistry, biological communities and aquatic habitat, and fish contaminants. Enter water, sediment, and biological data collected during the FY 2018 field season into the USEPA's Water Quality Exchange/Beach Monitoring Programs via the CDX by September 30, 2019.
3. Evaluate options for providing water quality info to the public, including updating MiSWIM system, relying on USEPA's How's My Waterway system, and building a new system.

#### **ACTIVITY 7: Section 401/Rule 97 Certification**

APPLICABLE PROGRAMS: Surface Water Restoration and Protection

ACTIVITY DESCRIPTION: Water quality certifications are issued under Section 401 of the federal CWA and Rule 97 of Michigan's WQS.

State certification under Section 401 of the CWA is required for all projects requiring a federal license or permit to assure that state WQS will be met. Submittal of an application for review and certification by EGLE is required for all such projects. Extensive coordination and consultation with other state and federal agencies and the public are involved with the application reviews.

Rule 97 Certifications provide authorization for the application of materials to surface waters of the state for water resources management purposes in cases where WQS may not be met, pursuant to Rule 97 of the WQS. Typical projects requiring Rule 97 Certifications include time of passage studies using tracer dyes, alum treatments, and bacterial augmentation projects.

## OBJECTIVES:

1. Review applications and approve/deny Section 401 Water Quality Certifications for Federal Energy Regulatory Commission regulated hydroelectric projects, select projects proposed by the United States Army Corps of Engineers, and other federally licensed or permitted projects as appropriate. Review project data reports and conduct follow-up compliance activities as appropriate.
2. Provide technical support for and review of proposed dredge and fill projects.
3. Review applications and approve/deny Certificates of Approval for water management projects under Rule 97.

### **ACTIVITY 8: Develop the Integrated Report**

APPLICABLE PROGRAMS: Surface Water Restoration and Protection

ACTIVITY DESCRIPTION: The CWA requires states to submit reports under Sections 303(d), 305(b), and 314 biennially. Michigan fulfills its reporting requirements in an Integrated Report. The Section 303(d) report identifies water bodies not attaining WQS, and TMDLs must be developed for these water bodies. These TMDLs are scheduled for development using a prioritization process looking at 6-year planning periods. The WRD develops the TMDLs, using either available information or supplemental monitoring data, as needed. TMDL development is currently supported with funding from grants awarded under Section 205j of the CWA.

## OBJECTIVES:

1. Maintain up-to-date information in the USEPA's Assessment, TMDL Tracking and Implementation System (ATTAINS) online database.

Complete development of the 2022 Integrated Report and submit to USEPA in April 2022.

### **ACTIVITY 9: Restore and Protect Waters Impaired or Threatened by NPS Pollution**

APPLICABLE PROGRAMS: NPS Program

ACTIVITY DESCRIPTION: EGLE uses federal funds to implement portions of Michigan's NPS Program Plan. The long-term goals of the NPS Program Plan include restoration of waters that are not attaining designated uses and protection of high-quality waters. The short-term actions in the NPS Program Plan are consistent with the USEPA's Strategic Plan Objective 1.2: Provide for Clean and Safe Water.

## OBJECTIVES:

1. Administer a subrecipient grant program: Staff will administer a subrecipient grant program to provide federal and state grants to stakeholders. These grants will be used to develop and implement watershed management plans to restore and protect

waters of the state.

2. Provide technical assistance to stakeholders: Staff will provide technical support and expertise to staff, grantees, and stakeholders on NPS-related issues such as watershed management planning, implementation of best management practices, natural channel design, wetland restoration and protection, pollutant load calculations, and other NPS concerns.
3. Information and education: Staff will support the information and education outreach efforts of the NPS Program, including Michigan's effort to implement the USEPA, Region 5, Social Indicator Planning and Evaluation System for NPS Management.
4. Engineering support: Staff will provide engineering expertise on design of best management practices, including review and approval of engineered designs. Also, program engineers will provide hydrologic analyses for the NPS Program.
5. NPS monitoring support: Staff will implement portions of the [ [HYPERLINK "https://www.michigan.gov/documents/deq/wrd-nps-monitoring-strategy\\_554895\\_7.pdf"](https://www.michigan.gov/documents/deq/wrd-nps-monitoring-strategy_554895_7.pdf) ]. Staff will conduct qualitative and quantitative physical, chemical, and biological assessments to identify NPS threats to water quality and determine compliance with WQS. Also, monitoring will be used to assess best management practice effectiveness and *in situ* improvements resulting from NPS pollution control. (See also Activity 5, Objective 5.)
6. Provide enforcement support: Provide support to staff to assist with NPS-related enforcement cases.

## Attachment A

<b><u>Designated Name</u></b>	<b><u>Permit No.</u></b>	<b><u>Basin Year</u></b>	<b><u>Major</u></b>	<b><u>Exp Date</u></b>
Abbott Nutrition	MI0025313	2	No	10/1/2021
AK Steel-Dearborn Works (backlogged)	MI0043524	2	Yes	10/1/2016
Al-Par Peat Co	MI0045128	2	No	10/1/2021
Alpena Biorefinery	MI0058997	2	Yes	10/1/2016
Alpena WWTP	MI0022195	2	Yes	10/1/2021
Americana MHP	MI0029122	4	No	10/1/2021
Ann Arbor WWTP	MI0022217	4	Yes	10/1/2008
Arbor Hills Remediation Area	MI0045713	2	No	10/1/2021
Bay Houston-MI Peat-Minden	MI0054461	4	No	10/1/2021
Birmingham CSO RTB	MI0025534	2	No	10/1/2021
Bischer Farms-CAFO	MI0057669	NA	No	10/1/2021
Bloomfield Village CSO RTB	MI0048046	2	No	10/1/2011
Boler Company	MI0053651	2	No	10/1/2016
Byron WWSL	MI0058808	2	No	10/1/2021
Cadillac Financing Auth GWCU	MI0054925	3	No	10/1/2021
Camden Dairy-CAFO	MI0057539	NA	No	10/1/2013
Carmeuse Lime & St-Rogers City	MI0004111	2	Yes	10/1/2021
Cass Co-Lakes Area SA WWTP	MI0058623	2	No	10/1/2021
CECO-Ludington Pumped Storage	MI0035912	2	No	10/1/2016
Cheboygan WWTP	MI0020303	2	Yes	10/1/2021
Chelsea WWTP	MI0020737	4	No	10/1/2008
Chesaning WWTP	MI0020087	2	No	10/1/2021
Clyde Twp MS4-St Clair	MI0059371	NA	No	10/1/2021
CMU Biological Station Boathouse	MI0059016	5	No	10/1/2021
Coca Cola-Paw Paw	MI0056367	3	No	10/1/2021
Coldwater WRRF	MI0020117	2	Yes	10/1/2021
Commerce Twp MS4-Oakland	MI0059375	NA	No	10/1/2021
Commerce Twp WWTP	MI0025071	2	Yes	10/1/2021
ConAgra Foods-Imlay City	MI0001708	4	No	10/1/2021
ConAgra Foods-Quincy	MI0003042	2	No	10/1/2016
Countryside Transportation	MI0060007	2	No	10/1/2021
Dearborn CSO	MI0025542	2	No	10/1/2016
Dearborn Ind Generation Plt	MI0056235	2	No	10/1/2016
DECO-Greenwood Plt	MI0036978	4	No	10/1/2021
Decorative Panels Intl-Alpena	MI0002500	2	Yes	10/1/2016
Dexter WWTP	MI0022829	4	No	10/1/2008
Double Eagle Steel Coating Co	MI0044415	2	Yes	10/1/2016
Downriver WTF	MI0021156	3	Yes	10/1/2021
E B Eddy Paper Inc	MI0002160	4	Yes	10/1/2021
East China Twp MS4-St Clair	MI0059388	NA	No	10/1/2021
East Lansing WRRF	MI0022853	3	Yes	10/1/2021

Empire Iron Mining Partnership	MI0000094	2	Yes	10/1/2016
Escanaba Paper Co (backlogged)	MI0000027	2	Yes	10/1/2016
Fennville City Iron Removal Pt	MI0058966	1	No	10/1/2021
Forest Lawn LF	MI0048631	4	No	10/1/2021
Galesburg MS4-Kalamazoo	MI0060082	NA	No	10/1/2021
Genoa-Oceola WWTP	MI0055654	2	No	10/1/2021
Gould Electronics-Howell GWCU	MI0059987	?	No	10/1/2021
Grand Beach MS4-Berrien	MI0059406	NA	No	10/1/2021
Grand Rapids WRRF	MI0026069	1	Yes	10/1/2021
Great Lakes Tissue Co	MI0002496	2	Yes	10/1/2021
Grosse Ile Twp WWTP	MI0026191	3	Yes	10/1/2021
Hart WWTP	MI0048399	2	No	10/1/2011
HC Starck	MI0003948	2	No	10/1/2016
Highland Twp MS4-Oakland	MI0059709	NA	No	10/1/2021
Hillsdale WWTP	MI0022136	2	Yes	10/1/2021
Hillshire Brands-Zeeland	MI0037451	2	Yes	10/1/2016
Holly Hills MHP	MI0050181	2	No	10/1/2021
Holly WWTP	MI0020184	2	No	10/1/2021
Howell Twp WWTP	MI0055727	2	No	10/1/2021
Hudson WWTP	MI0021377	2	No	10/1/2021
Huggett Peat-Mich Cranberry Co	MI0043273	2	No	10/1/2016
Huron Charter Twp MS4-Wayne	MI0059408	NA	No	10/1/2021
Huron Valley PS MS4-Oakland	MI0059415	NA	No	10/1/2021
Huron-Clinton MPA MS4-SEMDO	MI0059428	NA	No	10/1/2021
Indian Summer Co-op-Hart	MI0001309	2	No	10/1/2016
Inkster/Dearborn Heights CSO	MI0051837	2	No	10/1/2011
Ithaca WWSL	MI0056928	2	No	10/1/2016
Jonesville WWTP	MI0020109	2	No	10/1/2021
Kraft Heinz Co-Holland	MI0001465	2	No	10/1/2021
Lafarge-Alpena	MI0001988	2	Yes	10/1/2017
Lafarge-Presque Isle	MI0003468	2	Yes	10/1/2017
Lansing BWL-Eckert Station	MI0004464	3	Yes	10/1/2021
Loch Alpine SA-Scio-Web WWTP	MI0024066	4	No	10/1/2008
Loves Travel Stops WWTP - St Clair	MI0060010		No	10/1/2021
Luna Pier WWTP	MI0058821	5	No	10/1/2021
Lyon Twp MS4-Oakland	MI0059667	NA	No	10/1/2021
Marvin Mountain Poultry-CAFO	MI0059997	NA	No	10/1/2021
MDNR-Oden Fish Hatchery	MI0035726	2	No	10/1/2016
Mich Seamless Tube LLC	MI0001902	4	Yes	10/1/2021
Michiana MS4-Berrien	MI0059469	NA	No	10/1/2021
MMPA-Constantine Plant	MI0001414	2	No	10/1/2016
Neenah Paper-Munising Paper	MI0000892	2	Yes	10/1/2016
Oakland Co Walled Lk/Novi WWTP	MI0024287	2	Yes	10/1/2021

Oakland Co-Acacia Park CSO RTB	MI0037427	2	No	10/1/2021
Ottawa CRC	MI0044130	2	No	10/1/2021
Owasso/Mid Shiawassee Co WWTP	MI0023752	2	Yes	10/1/2021
Pentwater CWP	MI0058875	2	No	10/1/2021
Pinconning Twp DDA WWSL	MI0058313	2	No	10/1/2021
Port Huron MS4-St Clair	MI0059513	NA	No	10/1/2021
Port Huron WWTP	MI0023833	4	Yes	10/1/2021
Redford Twp CSO	MI0051829	2	No	10/1/2021
Richmond Twp WWTP-Marquette Co	MI0028444	2	No	10/1/2016
River Rouge CSO RTB	MI0028819	2	No	10/1/2016
Rogers City WWTP	MI0057813	2	No	10/1/2021
Salem Twp WWTP	MI0054798	2	No	10/1/2021
Schilling Farm Site GWCU	MI0055417	2	No	10/1/2021
Sherwin Williams Co-Holland	MI0055956	2	No	10/1/2021
South Lyon MS4-Oakland	MI0059519	NA	No	10/1/2021
South Lyon PS MS4-Oakland	MI0059522	NA	No	10/1/2021
St Clair MS4-St Clair	MI0059536	NA	No	10/1/2021
St Joseph CSO	MI0026735	3	No	10/1/2021
St Marys Cement Co - Detroit	MI0004243	2	No	10/1/2011
Standish WWTP	MI0024139	2	No	10/1/2021
Stoneco Inc-Ottawa Lake	MI0026514	2	Yes	10/1/2021
Sturgis Well Field-SF	MI0053465	2	No	10/1/2021
Sturgis WWTP	MI0020451	2	Yes	10/1/2021
Sturgis-Big Hill Road LF	MI0047716	2	No	10/1/2016
Sunrise Acres LLC-Byron-CAFO	MI0058419	NA	No	10/1/2021
Three Rivers WWTP	MI0020991	2	Yes	10/1/2021
Tilden Mining Co	MI0038369	2	Yes	10/1/2016
UM Biological Station	MI0050598	2	No	10/1/2021
USDI-Hammond Bay Biological St	MI0005100	2	No	10/1/2021
Van Buren PS MS4-Wayne	MI0059566	NA	No	10/1/2021
Walled Lake PS MS4-Oakland	MI0059573	NA	No	10/1/2021
Wayne Co/Dearborn Heights CSO	MI0051489	2	No	10/1/2011
Wayne Co/Inkster CSO	MI0051471	2	No	10/1/2011
Wayne Co/Inkster/Drbrn Hts CSO	MI0051462	2	No	10/1/2011
Wayne Co/RDFrd/Livonia CSO	MI0051535	2	No	10/1/2021
Wayne Co-Lift Station 1A - planning to terminate	MI0026123	2	No	10/1/2021
Wolverine Lake MS4-Oakland	MI0059702	NA	No	10/1/2021
WOOD - H&H Tube GWCU	MI0047392	2	No	10/1/2021
Wyandotte Electric Plant	MI0038105	3	Yes	10/1/2021
YCUA Regional WWTP	MI0042676	2	Yes	10/1/2021
Zeeland WWTP	MI0020524	2	Yes	10/1/2021
Zoet Poultry-CAFO	MI0058386	NA	No	10/1/2021